

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

GABRIEL ALFREDO ORTEGON-
JIMENEZ,

Petitioner,

v.

WARDEN, *et al.*,

Respondents.

Case No. 2:23-cv-001270-JDP (HC)

ORDER TO SHOW CAUSE

On October 19, 2023, respondents filed a motion to dismiss. ECF No. 10. To date, petitioner has not filed an opposition or statement of non-opposition.

To manage its docket effectively, the court imposes deadlines and requires litigants to meet those deadlines. The court may dismiss a case for petitioner's failure to prosecute or failure to comply with its orders or local rules. *See Fed. R. Civ. P. 41; Hells Canyon Pres. Council v. U.S. Forest Serv.*, 403 F.3d 683, 689 (9th Cir. 2005) ("[T]he consensus among our sister circuits, with which we agree, is that courts may dismiss under Rule 41(b) *sua sponte*, at least under certain circumstances."). Involuntary dismissal is a harsh penalty, but the court has a duty to administer justice expeditiously and avoid needless burden for the parties. *See Pagtalunan v. Galaza*, 291 F.3d 639, 642 (9th Cir. 2002); Fed. R. Civ. P. 1.

Petitioner will be given an opportunity to explain why the court should not dismiss his

1 case for failure to file an opposition or statement of non-opposition to respondents' motion to
2 dismiss. Petitioner's failure to respond to this order will constitute a failure to comply with a
3 court order and will result in dismissal of this case. Accordingly, petitioner must show cause
4 within twenty-one days of the date of entry of this order why the court should not dismiss his case
5 for failure to prosecute. Should petitioner wish to continue with this lawsuit, he shall also file,
6 within twenty-one days, an opposition or statement of non-opposition.

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8 IT IS SO ORDERED.

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10 Dated: November 27, 2023

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JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE